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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,460

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Jack Ing Jeng

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23363

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05/31/2006

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EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,460

Applicant(s)

JENG, JACK ING

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-47 is/are pending in the application.
- 4a) Of the above claim(s) 35-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Non Patent literature 3pgs.

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 3 April 2006, in which claims 29-47 were presented for examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 29-34, drawn to a method for compiling operational activity data of a vehicle, classified in class 701, subclass 29.
 - II. Claim 35-47, drawn to a vehicle safety communication device, classified in class 701, subclass 45.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups 1 and 2 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination of Group 1 has separate utility such as compiling operational activity of the vehicle diagnostics system from various component processors and sensors, not specifically requiring the sound and visual data detected or the GPS receiver of Group 2. See MPEP § 806.05(d).

3. During a telephone conversation with Fariba Sirjani (Reg No. 47,947) on 19 May 2006 a provisional election was made to prosecute the invention of **Group 1, claims 29-34**. Affirmation of this election must be made by applicant in replying to this Office

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action. Claims 35-47 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Response to Arguments

4. Applicant's arguments with respect to new claims 29 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claim 33** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 33 describes a method wherein upon the detection of a triggering event: data stored in the dynamic ram (data detected for a predetermined time interval) is compressed in response to the triggering event, then that compressed data is transferred to a solid state persistent storage device. This method is not described in the original disclosure of the present application. Regarding the order of compression, the original disclosure only describes wherein data detected by the sensors, CCD/CMOS sensor and microphone, are compressed first, then sent to

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the SDRAM and upon detection of a triggering event, sent to the Flash memory. Figures 5-7, 7 more explicitly, illustrate the sensors connected directly to the respective compression modules for MJPEG and voice. Data from the compression modules are sent to the USB connections leading to the USB HUB and main CPU control module. Support in the specification is additionally found on: page 18, line 15-page 19, line 15; page 23, line 23-page 24, line 2; and page 26, lines 9-12. A further compression between the SDRAM and the Flash memory is **not described or even suggested**.

7. **Claim 32** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 32 recites the limitation: "provides motion data based upon movement of a metal ball over an X-Y positional resistive array". The limitation "X-Y positional resistive array" is not specifically disclosed in the original filed disclosure of the present application.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29- 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Basir et al., US Patent Application Publication No. 2003/0154009.

9. **(Claim 29)** Basir et al. discloses a method for compiling operational activity data of a vehicle, comprising: providing a computing system (Figure 1), the computing system having: a sensor system for detecting operational activity of the vehicle ([0012]); a dynamic ram memory coupled to the sensor system for storing detected operational activity data (volatile memory 8); a solid state persistent storage device coupled to the dynamic ram memory (non-volatile memory 9), and a processor for controlling the sensor system, the dynamic ram memory and the solid state persistent storage device (video capture and data capture control units 2), establishing criteria for an operational activity to be a triggering event (eccentricity detection unit 1, [0027]); upon the processor determining that the sensor system has detected a triggering event, the processor controlling data transfer from the dynamic ram memory to the solid state persistent storage device of data detected during a predetermined time spanning before and after the triggering event (Figure 2, [0026], [0032]).

10. **(Claim 30)** Basir et al. further discloses wherein the sensor system detects vehicular motion ([0038]-[0039]).

11. **(Claim 31)** Basir et al. further discloses wherein the triggering event is selected from vehicular acceleration, vehicular deceleration, or vehicular vertical or horizontal motion ([0038]-[0040]).

12. **(Claim 33)** Basir et al. further discloses wherein upon the sensor system detecting a triggering event: compressing data being stored in the volatile memory in

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response to the triggering event, the compressed data corresponding to data stored for a predetermined time interval ([0030], [0032]); and transferring the compressed data to the solid state persistent storage device ([0032]).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al. in view of Microsoft Press Computer Dictionary 3rd Edition; Microsoft Press, Redmond, Washington; 1997.

Basir et al. disclose wherein upon detection of a triggering event, data is transferred from a volatile memory 8 to a non-volatile memory 9. Basir et al. does not explicitly disclose that the non-volatile memory is a Flash memory. However, it was common knowledge in the computer and electrical arts, at the time of the invention, that a Flash memory is a well known type of non-volatile memory, as supported by the Microsoft Press Computer Dictionary 3rd edition.

Claim Rejections - 35 USC § 103

14. **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al. in view of Nowakowski et al., US Patent No. 4,337,402.

Basir et al. discloses the method as applied to Claim 29, and further discloses the use of data sensors to provide motion data, such as sensors to detect impact and

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accelerations (Figure 1). Basir et al. does not disclose the detection of the movement of a metal ball over an X-Y positional resistive array. However, Nowakowski teaches a motion sensing switch and circuit wherein the sensor system provides motion data based upon movement of a metal ball 56 over an X-Y positional resistive array (Column 3, lines 52-68). It would have been obvious to one of ordinary skill in the electronic art, at the time of the invention, to combine the method disclosed by Basir et al. with the teachings of Nowakowski because the motion sensor switch and circuit taught by Nowakowski is inexpensive, electrically simple, and reliable.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5-23-2006


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